



WEB COPY

W.P.No.19357 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19357 of 2013

and

M.P.No.1 of 2013

S.Subramaniam

... Petitioner

Vs.

1.The District Collector
Erode District
Erode.

2.The Revenue Divisional Officer
Erode.

3.The Thasildar
Perundurai Taluk
Erode District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 not to interfere with the petitioner possession and enjoyment of the property in R.S.Nos.362/2 in Karumandisellipalayam Village, Perundurai Taluk, Erode District, and not to take possession of the property except under due process of law.



For Petitioner : Ms.P.T.Ramadevi

For Respondents : Mr.D.Ravichandren
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 not to interfere with the petitioner possession and enjoyment of the property in R.S.Nos.362/2 in Karumandisellipalayam Village, Perundurai Taluk, Erode District, and not to take possession of the property except under due process of law.

2. The petitioner states that he is an agriculturist and purchased an agricultural land in R.S.No.362/2 in Karumandiselli Palayam, Village, Perundurai Taluk, Erode District. The 2nd respondent issued a show cause notice dated 10.07.2012 stating that the land has been originally assigned in favour of one Mr.Soundhiram, C.Sundararaj and Pattana and they all belong to Schedule Caste community. The assignment was granted with condition that they should not alienate the property to Non-Schedule Caste persons.



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2. Since the condition imposed by the Government had been violated, the Government has decided to resume the land. The petitioner claims that he purchased the land from the assignee. When there is a specific condition not to alienate the Government property to Non-Schedule Caste communities, violation would confer powers on the authorities to resume the land. In this regard a show cause notice was issued to the petitioner.

3. The learned Special Government Pleader appearing on behalf of the respondents made a submission that the assignment conditions were violated and therefore, the Government is empowered to resume the land as it was specifically assigned for the welfare of the Schedule Caste community people.

4. It is further contended that a Civil Suit has been instituted in O.S.No.324 of 2007 on the file of the I Additional District Court, Erode based on the agreement between the parties, though the Civil Suit is not binding on the Government, who assigned the land in favour of the Schedule Caste community.

5. In view of the facts and circumstances, the relief as such sought for



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in the writ petition cannot be granted and the authorities are at liberty to proceed with the actions already initiated in accordance with law.

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6. Accordingly, this Writ Petition stands dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

05.06.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The District Collector
Erode District
Erode.
- 2.The Revenue Divisional Officer
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S.M.SUBRAMANIAM, J.

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